

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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for September 3, 2003 PLANNING COMMISSION MEETING

**P.A.S.:** Special Permit #1423G  
HiMark Estates CUP

**PROPOSAL:** This is a request to amend Special Permit 1423F to add 20 single-family units in the southern portion of Outlot "A," for a total of 559 dwelling units.

**LOCATION:** South 90<sup>th</sup> Street and Medinah Drive.

**WAIVER REQUEST:** Intersection separation reduced from 120' to 110'.  
Less than minimum lot area for Outlot "O".  
Less than minimum cul-de-sac radius.  
Eliminate sidewalks from south side of Sandhills Court.  
Requirement for a preliminary plat.  
Less than minimum width for major streets.

**LAND AREA:** 11.2 acres, more or less (actual area of amendment)  
26.5 acres, more or less (Outlot A)  
401.7 acres, more or less (HiMark CUP)

**CONCLUSION:** The addition of these units is consistent with the currently approved Community Unit Plan.

<b>RECOMMENDATION:</b>	<b>Conditional Approval</b>
Waivers:	
Intersection separation reduced from 120' to 110'.	<b>Denial</b>
Less than minimum lot area for Outlot "O".	<b>Denial</b>
Less than minimum cul-de-sac radius.	<b>Approval</b>
Eliminate sidewalks from south side of Sandhills Court.	<b>Approval</b>
Requirement for a preliminary plat.	<b>Approval</b>
Less than minimum width for major streets.	<b>Approval</b>

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:**

All of the Lots, Blocks, and Outlots in the following subdivisions: HiMark Estates Addition, HiMark Estates 1<sup>st</sup> Addition, HiMark Estates 2<sup>nd</sup> Addition, HiMark Estates 3<sup>rd</sup> Addition, HiMark Estates 4<sup>th</sup> Addition, HiMark Estates 5<sup>th</sup> Addition Corrected, HiMark Estates 6<sup>th</sup> Addition, HiMark Estates 7<sup>th</sup> Addition, and Iron Gates Estates, all located in Section 11, T9N, R7E, City of Lincoln, Lancaster County, Nebraska.

The specific Lot to be amended is legally described as:

Outlot A, HiMark Estates 3<sup>rd</sup> Addition, located in the NW 1/4 of Section 11, T9N, R7E, City of Lincoln, Lancaster County, Nebraska.

**EXISTING ZONING:** R-3 Residential.

**EXISTING LAND USE:** Residential lots, private roadways, golf course and clubhouse, parking lot, and open space.

**SURROUNDING LAND USE AND ZONING:**

North:	AG Agriculture	HiMark Golf Course
South:	R-3 Residential	Single-family residential
East:	AG Agriculture	Single-family acreage and HiMark golf course
West:	R-3 Residential	Single-family residential and HiMark golf course

**HISTORY:**

Feb 2003	Special Permit #1423F approved the identification of certain townhouse lots with zero setbacks on all lot lines. The total number of approved dwelling units was still 539.
Apr 2002	Special Permit #1423E approved. This amendment provided for setback adjustment to Lot 3, HiMark Estates 7 <sup>th</sup> Addition, and approved 539 dwelling units.
Aug 2001	Special Permit #1423C approved an increase in multiple-family dwelling units from 240 to 272. However, this permit was voided because the owner did not sign the Letter of Acceptance.
Jan 2001	Special Permit #1423D withdrawn.

- Nov 2000 Special Permit #1423D submitted. This was a request to rename a private roadway and install gates at its entrance. Based upon a prior grant of public access over the private roadway, the Applicant could not use the gates to exclude the public.
- Nov 1999 Special Permit #1423C submitted.
- Aug 1999 Administrative Final Plat #99025 approved. This renamed Lots 7-48, Block 2 HiMark Estates to Lots 1-24, and 26-39, Block 1 and Outlot A, HiMark Estates 2<sup>nd</sup> Addition.
- Aug 1999 Administrative Amendment #99054 to Special permit #1423A approved to add restrooms and an irrigation pump house to HiMark Golf Course.
- Jul 1998 Change of Zone #3125 approved to change the zoning for the area covering this application from AG Agricultural to R-3 Residential.
- Jul 1998 Special Permit #1423B approved for the HiMark Estates Community Unit Plan, which included 507 dwelling units and golf course.
- Apr 1998 Special Permit #1423A withdrawn.
- Mar 1996 Special Permit #1423A submitted. This application sought to expand the existing clubhouse and add a cart storage building to the HiMark Golf Course.
- Aug 1993 Administrative Amendment #93055 to Special Permit #1423 approved to increase the number of parking stalls.
- Mar 1993 Administrative Amendment #92075 to Special Permit #1423 approved to rearrange portions of the parking lot and provide signage.
- Apr 1992 Special Permit #1423 approved for a golf course.
- Mar 1979 The zoning for the area of this CUP was changed from A-A Rural and Public Use to AG Agricultural as part of the 1979 Zoning Update.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Land Use Plan identifies both Additions as Urban Residential.

**Urban Residential:** Multi-family and single-family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. (F 27)

**UTILITIES:** Public

**TRAFFIC ANALYSIS:**

The Comprehensive Plan identifies Old Cheney Road as a Rural Major Collector (County) at the present time, and a Minor Arterial in the future. (E49, F103)

**Collector Streets:** These streets serve as a link between local streets and the arterial system. Collectors provide both access and traffic circulation within residential, commercial, and industrial areas. Moderate to low traffic volumes are characteristic of these streets. (F 105)

**Minor Arterials:** This functional class serves trips of moderate length and offers a lower level of mobility than principal arterials. This class interconnects with, and augments principal arterials, distributes traffic to smaller areas, and contains streets that place some emphasis on land access. These are characterized by moderate to heavy traffic volumes. (F 103)

**ENVIRONMENTAL CONCERNS:**

The pond shown on the plan was not intended to function for detention purposes, and the outlet pipe is only designed for the ten-year storm. Thus, any storm greater than the ten-year will fill the pond and eventually overtop South 90<sup>th</sup> Street. Minimum opening information and 100-year storm elevation should be provided.

**ANALYSIS:**

1. This is a request to amend Special Permit 1423F to add 20 single-family units in the southern portion of Outlot "A," for a total of 559 dwelling units. These lots must be platted prior to receiving building permits. This amendment only affects approximately the southern 1/3 of Outlot "A."
2. The total allowable density of this CUP is 1,418 dwelling units. At this point, the number of approved dwelling units is 539. Since this application includes an increase in the number of approved dwelling units, as well as waivers, the City Council will have final action.
3. The Public Works & Utilities Department does not support waiving the Design Standard that requires 120' separation between street intersections. The required 120' separation could be met with minimal adjustments to lot and street layout.
4. The request for less than minimum lot area for Outlot "O" is not supported by the Planning Department. Applicant states Outlot "O" will be used for green space/landscaping. However, adding this area to Lot 14 would create a corner lot, which would be similar in size to the lot across Medinah Drive.
5. The request for a less than minimum cul-de-sac radius of 35' is supported by the Public Works & Utilities Department.

6. The request to locate sidewalks along only the north side of Sandhills Court is supported by the Public Works & Utilities Department as there are no lots taking access off of the south side.
7. The request to waive the requirement for a preliminary plat is
8. Applicant should provide minimum opening elevations for Lots 1-19, Block 3 as they back onto the pond area. The 100-year storm elevation should also be provided.
9. The Building and Safety Department Fire Prevention Division has denied this application for lack of fire hydrants. However, additional fire hydrants can be added.
10. Lincoln Electric System easements are required.
11. The Parks and Recreation Department requires changing the street tree species along Sandhills Court.
12. Comments are attached from the Public Works & Utilities, Parks and Recreation, and Building and Safety Departments.

The Planning Department recommends the conditional approval of this application based on the following conditions.

**CONDITIONS:**

Site Specific:

1. After the applicant completes the following instructions and submits 1 original and 4 copies of the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
  - 1.1 Revise Note 13 on the site plan to show 559 total units.
  - 1.2 Revise the note on Lot 22, Block 4 to show 1423E rather than 1423C.
  - 1.3 Revise the grading and drainage plan with minimum opening elevations for Lots 1-19, Block 3, above the 100-year storm elevation.
  - 1.4 Eliminate Outlot "O" and revise Note 19 on the site plan accordingly.

- 1.5 Revise the landscape plan to verify there are 33 Patmore Ash shown along old Cheney Road as indicated in the Street Tree and Landscape Schedule.
  - 1.6 Revise the landscape plan by replacing Greenspire Linden with Chanticleer Pear as the street tree for Sandhills Court.
  - 1.7 Provide a utility plan showing the location of fire hydrants in Sandhills Court, as requested by the Building and Safety Department.
  - 1.8 Revise the alignment of Sandhills Court to provide 120' of separation from Old Cheney Road.
  - 1.9 Show the required LES easements. The easements may be viewed at the Planning Department.
  - 1.10 Add a sidewalk connection from the east end of Sandhills Court to Old Cheney Road.
2. This approval permits 559 dwelling units, a 35' cul-de-sac radius in Sandhills Court, and no sidewalks along the south side of Sandhills Court.

General:

3. Before receiving building permits:
  - 3.1 Permittee must submit 1 original and 5 copies of the plans as approved.
  - 3.2 Final Plats must be approved by the City.
  - 3.3 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
  - 4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
  - 4.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

- 4.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 4.4 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Greg Czaplewski  
Planner

**Date:** August 22, 2003

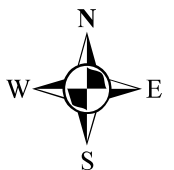
**Applicant:** Dan Muhleisen  
D & M Development, L.L.C.  
6321 Doecreek Circle  
Lincoln, NE 68516  
432.1200

**Owner:** HiMark Development, Inc. and D & M Development, L.L.C.  
6321 Doecreek Circle  
Lincoln, NE 68516  
432.1200

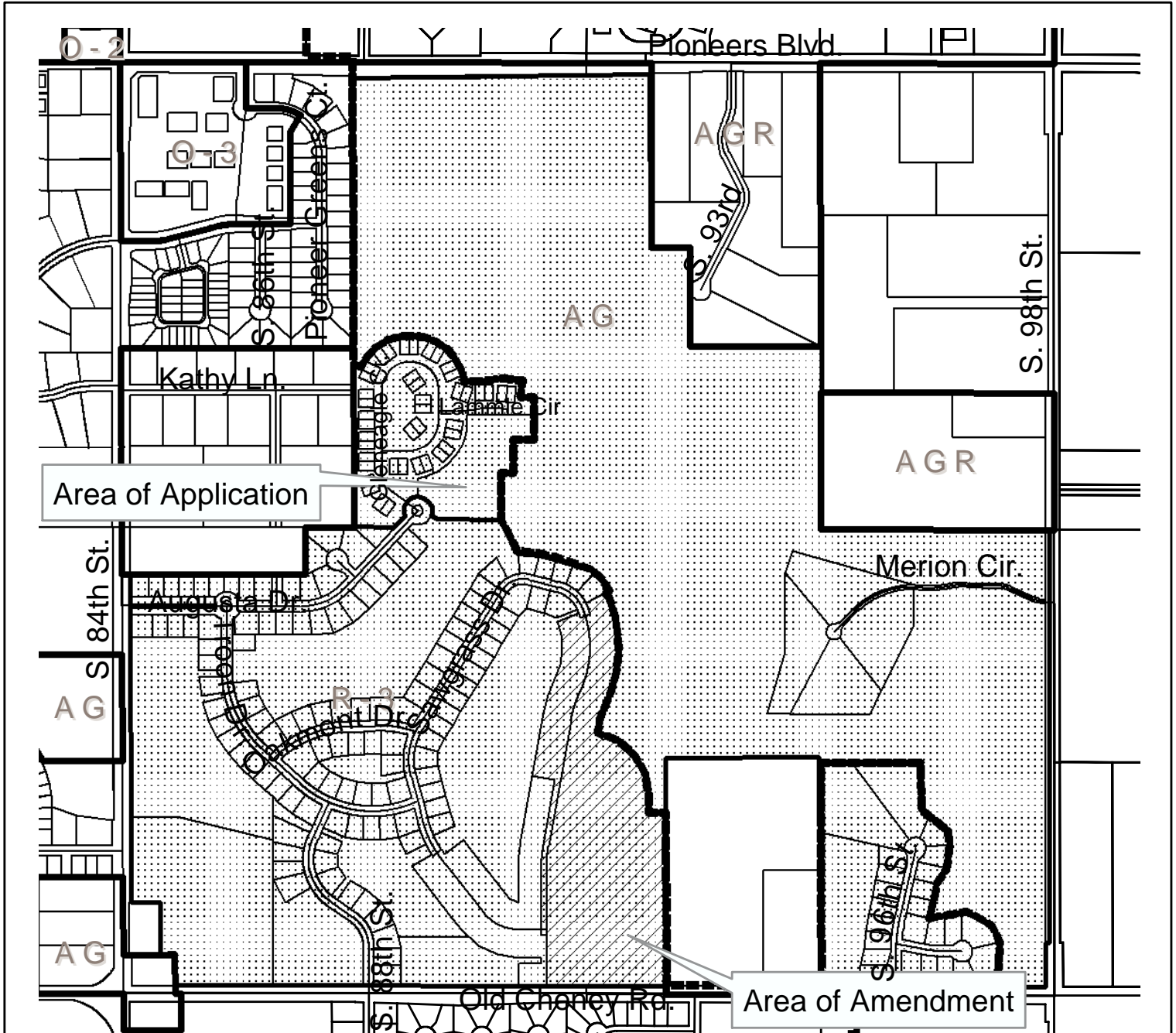
**Contact:** Olsson Associates  
Mark Palmer  
1111 Lincoln Mall  
Lincoln, NE 68508  
458.5632



**Special Permit #1423G**  
**S. 84th & Old Cheney Rd.**  
**HiMark Estates CUP**





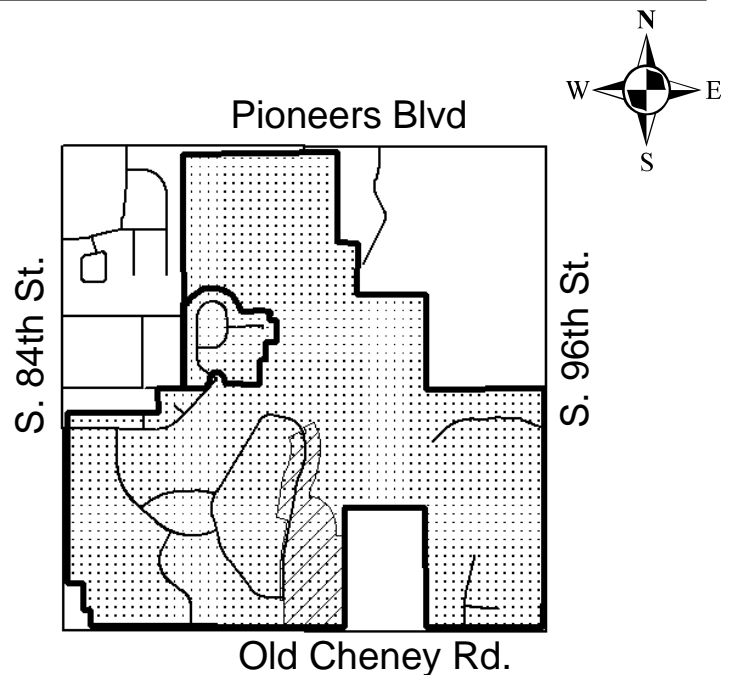
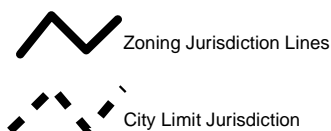


# **Special Permit #1423G** **S. 84th & Old Cheney Rd.** **HiMark Estates CUP**

**Zoning:**

One Square Mile  
 Sec. 11 T9N R7E

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

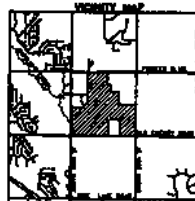


SCHEDULED CURRY DATA						
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12	08:00	BRN	BRN	BRN	BRN	BRN
13	08:00	BRN	BRN	BRN	BRN	BRN
14	08:00	BRN	BRN	BRN	BRN	BRN
15	08:00	BRN	BRN	BRN	BRN	BRN
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18	08:00	BRN	BRN	BRN	BRN	BRN
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70	08:00	BRN	BRN	BRN	BRN	BRN
71	08:00	BRN	BRN	BRN	BRN	BRN

### BEHINDY CALCULATOR

[illegible]

### ANNOUNCEMENT TO THE C.U.P. RE: PLAN



**Legend**

— D —	DRIVE SHAFT END
— F —	FRONT WHEEL END
— R —	REAR WHEEL END
— S —	SEPARATE WHEEL END
○	SEPARATE-DRIVE INTERMEDIATE
○ R	REAR INTERMEDIATE
○ F	FRONT INTERMEDIATE
○ S	SEPARATE WHEEL INTERMEDIATE
○	SEPARATE-DRIVE INTERMEDIATE

**TYPICAL PARKING DETAILS**

**EDUCATION & PREPARED:**  
BLANCK, JACQUELINE  
7515 LINCOLN HALL  
LINCOLN, NE. 68501  
PHONES: (402) 476-5215

**D & M DEVELOPMENT, I.L.C.**  
DAN SHELLEIGH  
5321 BOCCACCIO COURT  
LINCOLN, NE 68516  
PHONE: (402) 483-0034

**DESIGN & DEVELOPMENT**  
O & N SYSTEMS, L.L.C.  
OAK HARBOR  
637: 880-007X, CIRCLE  
LACUNA, NC 28551  
PHONE: (408) 483-2611

**DESIGN & JACOBI ENGINEER**  
JACOBI & JACOBI ENGINEERS  
LACUNA, NC 28551

HANSON DEVELOPMENT, LLC  
 ONE LAMAR  
 BOX 100000  
 UPTON, NE 68502  
 PHONE: (402) 486-1000

**LDH4: description**

Figure 1 consists of a 3x3 grid of histograms. The rows are labeled 1, 2, and 3. The columns are labeled 1, 2, and 3. Each histogram shows the frequency of non-zero elements per row. The distributions are roughly bell-shaped, centered around 10-15 non-zero elements per row.

### REFERENCES

1. I hereby certify that I have signed the following the signature of the person who has signed the following document.



**CONSUMERS CHOICE**  
1111 University Blvd  
F.D. Box 37066  
Denver, CO 80237  
402-476-6261

**AMENDMENT  
TO THE  
C.I.P.**

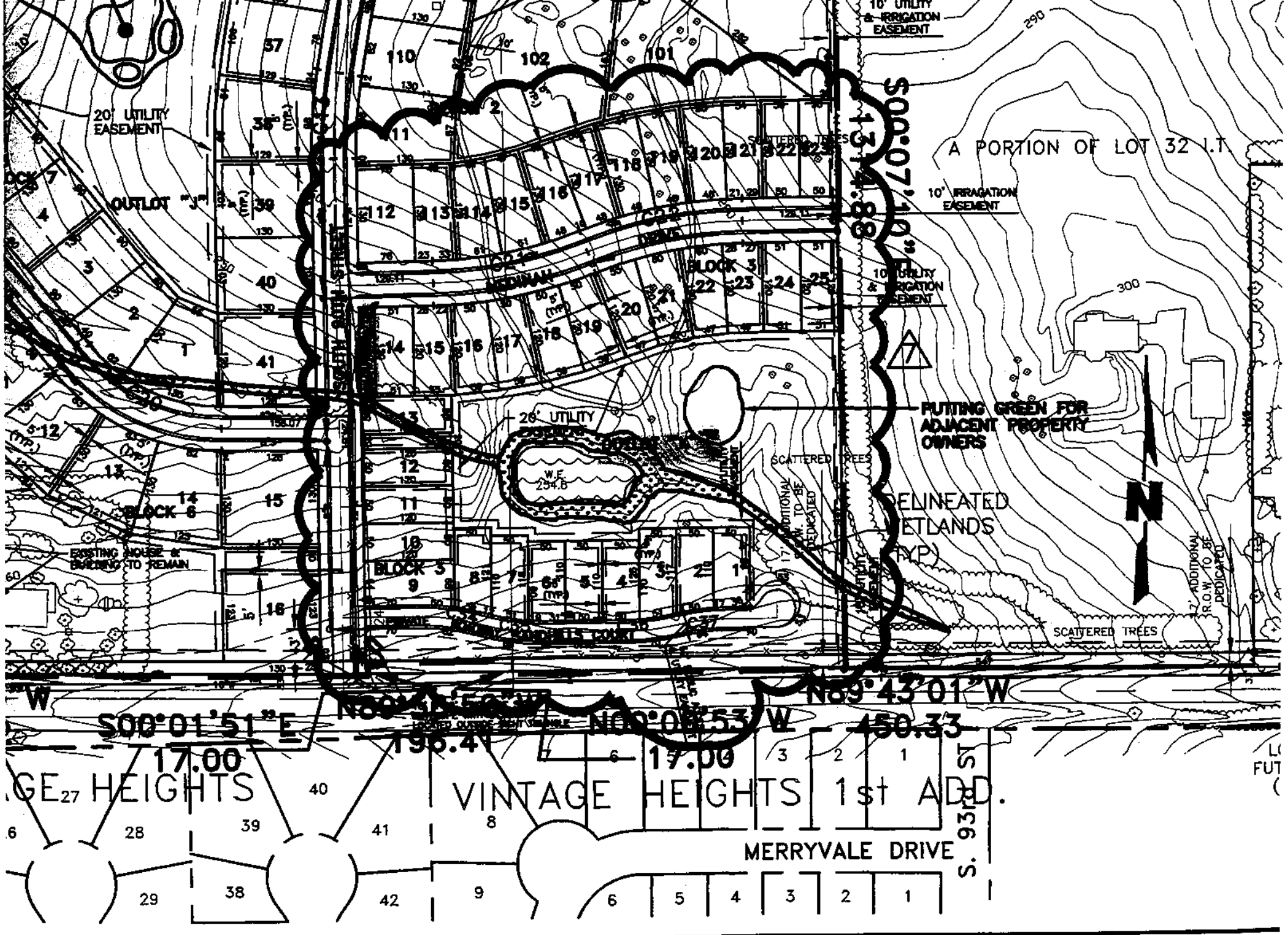
## SITE PLAN

LINCOLN  
NEBRASKA  
2002[illegible]

**CONTACT PERSON**  
J. & N. O'NEILL, L.L.C.  
1000 MARLBOROUGH  
LAKE CHARLES, LA 70601-4  
PHONE: (504) 482-5631



**SHEET  
1 OF 9**



A PORTION OF LOT 32 I.T.

PUTTING GREEN FOR  
ADJACENT PROPERTY  
OWNERS

DELINEATED  
WETLANDS  
(R.P.)

SCATTERED TREES

OUTLOT "J"

EXISTING HOUSE &  
BUILDING TO REMAIN

BLOCK 6

BLOCK 3

BLOCK 3

VINTAGE HEIGHTS

HEIGHTS

1st ADD.

MERRYVALE DRIVE

S. 93rd ST

S00°01'51"E

N00°01'53"W

N00°01'53"W

N89°43'01"W

450.33

17.00

17.00

W

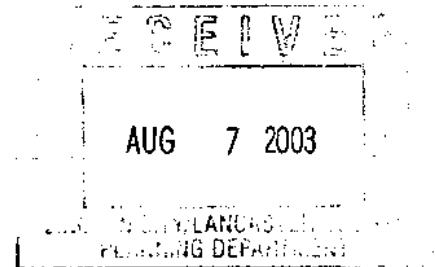
N



OLSSON ASSOCIATES  
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

August 7, 2003

Mr. Marvin S. Krout, Director  
Lincoln Lancaster Planning Department  
County-City Building  
555 South 10th Street, Suite 213  
Lincoln, NE 68508



Re: HiMark Estates  
Amendment to the Community Unit Plan #1423  
OA Project No. 2003-0536

Dear Mr. Krout,

We are requesting an "Amendment to the Community Unit Plan" to add 20 Single Family units in the area east of 90<sup>th</sup> Street, north of Old Cheney Road. The proposed lots will be a "Patio Home" development. The builder will be Manzitto Custom Homes.

We have met with Ray Hill and Greg Czaplewski regarding this amendment. At the meeting, Ray Hill asked if the lots north of Medinah Drive could be changed to the smaller Patio Home lot size to maintain consistency on both sides of the roadway. One of the lots on the north side had been pre-sold to a builder. We have been successful relocating that builder to another lot, and have therefore included the north side of Medinah Drive as "Patio Home" sized lots.

The Private roadway (Sandhills Court) is 110' from the centerline of Old Cheney Road. We are requesting a waiver to design standards from the required 120' intersection separation. The private roadway serves 8 lots and will function more as a driveway rather than a roadway. The driveway design standards would allow a driveway 55' from the back of curd in Old Cheney Road.

We are also requesting a waiver to design standards for lot size. Outlot "O" does not meet the required lot area requirements. This Outlot is designated green space / landscaping area.

The Cul-de-sac size is not to design standards (35' radius). A waiver to design standards for cul-de-sac geometry has previously been approved for this C.U.P. We are requesting sidewalks be located only on the north side of Sandhills Court. This is consistent with the previously approved waivers for sidewalks.

Color renderings of the proposed buildings were submitted to Ray and Greg at our meeting. We can provide more copies if required.

Enclosed, please find the following documents:

1. Revised Site Plan, Sheet 1; 21 copies
2. Revised Grading & Drainage Plan, Sheet 2; 9 copies
3. Revised Profile Sheet, Sheet 5; 9 copies
4. Revised Landscape Plan, Sheet 8; 9 copies
5. City of Lincoln Zoning Application; "Community Unit Plan; Amendment"
6. Filing fee for "Community Unit Plan"; \$595.00
7. 8 1/2" x 11" Reduced Drawings of the Site Plan
8. Ownership Certificate

We look forward to working with you and your staff to develop a solution. Please contact either myself, or Dan Muhleisen if you have any questions or require any additional material.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark C. Palmer', with a stylized flourish at the end.

Mark C. Palmer P.E.

cc: Dan Muhleisen, P.E. (D & M Development)  
Manzitto Brothers Custom Homes



"Mark Palmer"  
<MPalmer@oaconsulti  
ng.com>

To: <GCzaplewski@ci.lincoln.ne.us>  
cc:  
Subject: HiMark Estates

09/03/2003 04:55 PM

Greg

On behalf of both Jackie Snyder (Snyder court amendment) and Dan Muhleisen (Sandhills Court amendment) I am requesting the following waivers:

1. The additional 10' of Right of Way requested by Public Works (to make 120' of right of way) be in the form of an easement for Right of Way.

Justification:

The developer would like to utilize this property for landscaping purposes to screen their development from Old Cheney Road.

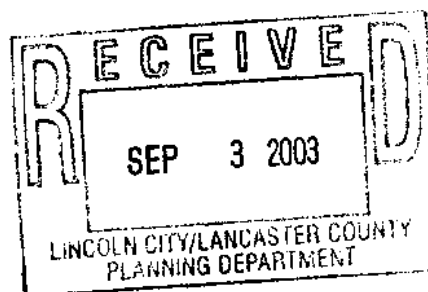
2. That the requirement for the preliminary plat be waived.

Justification:

The amendment to the preliminary plat would be a redundant amendment. It would be a technicality that would create more paperwork for the planning staff and require additional review time. The CUP accounts for the same issues that the preliminary plat would cover.

Please call if you have any questions.

Mark



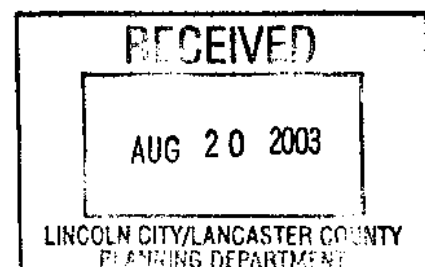
# M e m o r a n d u m

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**To:** Greg Czaplewski, Planning Department  
**From:** <sup>CB</sup> Chad Blahak, Public Works and Utilities  
**Subject:** Hi Mark Estates Special Permit #1423F  
**Date:** August 18, 2003  
**cc:** Randy Hoskins

Engineering Services has reviewed the submitted amendment to the Hi Mark Estates special permit, located at the northeast corner of South 84th and Old Cheney Road and has the following comments:

- The requested waiver of design standards to allow side walks on the north side of Sand Hills Court only is acceptable to Public Works as there are no units taking access to the south side.
- The requested waiver of design standards to allow a 35' radius turnaround is acceptable to Public Works.
- The requested waiver of design standards for intersection separation of 110' instead of the minimum required 120' is not acceptable to Public Works. It appears that the required 120' could be met with minimal adjustments to the lot and street layout.
- Minimum openings need to be provided for Lots 1-19 in Block 3 as they back onto the proposed pond. Although the pond was not intended to function for detention purposes, the outlet pipe is only designed for the ten year storm. Thus, any storm greater than the ten year will fill pond area and eventually overtop South 90th Street. The depth of flow over the curb should be taken into consideration when determining minimum opening elevations. The 100 year storm elevation should also be provided.



Dennis D Bartels

To: Gregory S Czaplewski/Notes@Notes

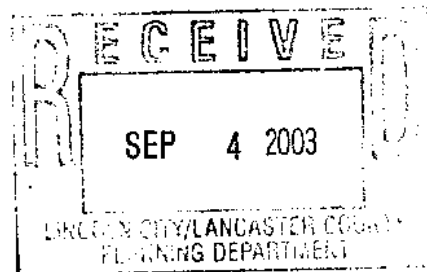
09/04/2003 08:08 AM

cc: Chad E Blahak/Notes@Notes, Randy W Hoskins/Notes@Notes

Subject: Re: HiMark Estates

Engineering Services objects to the right of way being in the form of easements. Until the street is designed it is difficult to predict with certainty the street improvements that will be in the right of way and the location of the improvements. For instance the street paving may be determined to be located offset in the right of way since lots are already developed on the south side of Old Cheney with a 50' dedication from center. The potential landscaping in the proposed easement may interfere with the necessary street improvements.

Engineering Services has no objection to waiving the preliminary plat since the same information has been submitted with the special permits.





## City of Lincoln, Nebraska

### IMPORTANT

All revisions to plans must include Building Permit # and Job Address.

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

## Plan Review Comments

Permit # **DRF03086**

Address

Job Description: Development Review - Fire

Location: H. MARK ESTATES

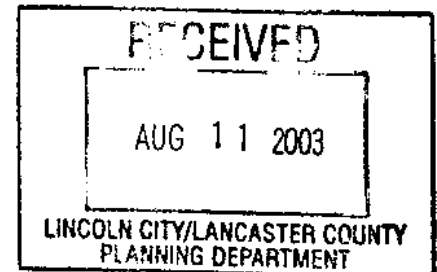
Special Permit: Y 1423 

Preliminary Plat:

Use Permit:

CUP/PUD:

Requested By **GREG CZAPLEWSKI**



Status of Review: Denied

08/11/2003 10:59:38 AM

Reviewer: FIRE PREVENTION/LIFE SAFETY CODE

BOB FIEDLER

Comments: do we have existing fire hydrants on sandhills court?

### Current Codes in Use Relating to Construction Development in the City of Lincoln:

2000	International Building Code and Local Amendments
2000	International Residential Code and Local Amendments
1994	Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
1989	Fair Housing Act As Amended Effective March 12, 1989
1979	Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
1992	Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
1999	National Electrical Code and Local Amendments
1997	Uniform Mechanical Code and Local Amendments
1994	Lincoln Gas Code
1994	NFPA 101 Life Safety Code
2000	Uniform Fire Code and Local Amendments
	Applicable NFPA National Fire Code Standards

# Memo



**To:** Greg Czaplewski, Planning Department

**From:** Mark Canney, Parks & Recreation

**Date:** August 13, 2003

**Re:** HIMark Estates SP1423 F

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have the following comments:

1. Following change to Landscape Plan dated 02.10.98, Arborist Steve Schwab is Requesting the change in street tree from Greenspire Linden to Chanticleer Pear for Sandhills Court.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

